

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **11/10/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.state.wi.us**

Carbon copy (CC:) to:

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Operating after revocation

---

### **Instructions:**

If injury, death, or property damage, increase penalties. Make penalties similar to OWI related injury, death, or property damage. When instructions come, make sure this is identical to Krusick's

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 11/28/2005	kfollett 11/29/2005		_____			State Crime
/1	phurley 11/29/2005	jdyer 11/29/2005	jfrantze 11/29/2005	_____	sbasford 11/29/2005		State Crime
	phurley 01/24/2006	lkunkel 01/25/2006		_____			
	phurley 01/25/2006			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	phurley 02/14/2006	lkunkel 02/15/2006	rschluet 01/26/2006	_____	lemery 01/26/2006		State Crime
/3	phurley 02/17/2006	lkunkel 02/17/2006	rschluet 02/15/2006	_____	lnorthro 02/15/2006		State Crime
/4			rschluet 02/17/2006	_____	lnorthro 02/17/2006	mbarman 02/22/2006	

FE Sent For:

<END>

02-22-2006  
("1/4")  
Requested  
by Paul

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **11/10/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.state.wi.us**

Carbon copy (CC:) to:

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Operating after revocation

---

### **Instructions:**

If injury, death, or property damage, increase penalties. Make penalties similar to OWI related injury, death, or property damage. When instructions come, make sure this is identical to Krusick's

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 11/28/2005	kfollett 11/29/2005		_____			State Crime
/1	phurley 11/29/2005	jdye 11/29/2005	jfrantze 11/29/2005	_____	sbasford 11/29/2005		State Crime
	phurley 01/24/2006	lkunkel 01/25/2006		_____			
	phurley 01/25/2006			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	phurley 02/14/2006	lkunkel 02/15/2006	rschluet 01/26/2006	_____	lemery 01/26/2006		State Crime
/3	phurley 02/17/2006	lkunkel 02/17/2006	rschluet 02/15/2006	_____	lnorthro 02/15/2006		State Crime
/4			rschluet 02/17/2006	_____	lnorthro 02/17/2006		

FE Sent For:

&lt;END&gt;

## 2005 DRAFTING REQUEST

### Bill

Received: 11/10/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Mary Lazich (608) 266-5400

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: ARG

Submit via email: YES

Requester's email: Sen.Lazich@legis.state.wi.us

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Operating after revocation

---

### Instructions:

If injury, death, or property damage, increase penalties. Make penalties similar to OWI related injury, death, or property damage. When instructions come, make sure this is identical to Krusick's

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 11/28/2005	kfollett 11/29/2005		_____ _____			State Crime
/1	phurley 11/29/2005 phurley 01/24/2006 phurley 01/25/2006	jdye 11/29/2005 lkunkel 01/25/2006	jfrantze 11/29/2005	_____ _____ _____ _____ _____ _____	sbasford 11/29/2005		State Crime

2176

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/2	phurley 02/14/2006	lkunkel 02/15/2006	rschluet 01/26/2006	_____	lemery 01/26/2006		State Crime
----	-----------------------	-----------------------	------------------------	-------	----------------------	--	----------------

/3			rschluet 02/15/2006	_____	lnorthro 02/15/2006		
----	--	--	------------------------	-------	------------------------	--	--

*4/mk 2/7*

FE Sent For:

<END>

**2005 DRAFTING REQUEST****Bill**Received: **11/10/2005**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**Extra Copies: **ARG**Submit via email: **YES**Requester's email: **Sen.Lazich@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Operating after revocation

**Instructions:**

If injury, death, or property damage, increase penalties. Make penalties similar to OWI related injury, death, or property damage. When instructions come, make sure this is identical to Krusick's

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 11/28/2005	kfollett 11/29/2005					State Crime
/1	phurley 11/29/2005	jdye 11/29/2005	jfrantze 11/29/2005		sbasford 11/29/2005		State Crime
	phurley 01/24/2006	lkunkel 01/25/2006					
	phurley 01/25/2006						

13/mk 2/15  
2/15/06

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

/2

rschluet \_\_\_\_\_  
01/26/2006 \_\_\_\_\_

lemery  
01/26/2006

FE Sent For:

&lt;END&gt;



## 2005 DRAFTING REQUEST

### Bill

Received: 11/10/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Mary Lazich (608) 266-5400

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: ARG

Submit via email: YES

Requester's email: Sen.Lazich@legis.state.wi.us

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Operating after revocation

---

### Instructions:

If injury, death, or property damage, increase penalties. Make penalties similar to OWI related injury, death, or property damage

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 11/28/2005	kfollett 11/29/2005					State Crime
/1	phurley 11/29/2005	jdyer 11/29/2005	jfrantze 11/29/2005		sbasford 11/29/2005		

FE Sent For:

1/2/mk 1/25

88  
266  
pb  
<END>

## 2005 DRAFTING REQUEST

### Bill

Received: 11/10/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Mary Lazich (608) 266-5400

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: ARG

Submit via email: YES

Requester's email: Sen.Lazich@legis.state.wi.us

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Operating after revocation

---

### Instructions:

If injury, death, or property damage, increase penalties. Make penalties similar to OWI related injury, death, or property damage

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley	11/29 jld	76	11/29			State Crime

FE Sent For:

<END>

## Hurley, Peggy

---

**From:** Sieg, Tricia  
**Sent:** Tuesday, November 29, 2005 5:28 AM  
**To:** Hurley, Peggy  
**Subject:** Some more guidance on that legislation we spoke of....

Peggy,

Could you please draft what's listed below as legislation. It is more of what we talked about before. Give me a call if you have any questions or need more information.

Thank you  
Tricia Sieg  
Senator Lazich's office  
266-5400

- (1) If a person who's operating privileges have been suspended or revoked in this state or another state is involved in an accident causing property damage they can be found guilty of a class A misdemeanor, a fine not to exceed \$10,000 or imprisoned not to exceed 9 months or both.
- (2) If a person whose operating privileges have been suspended or revoked in this state or another state is involved in an accident causing minor injury to another can be charged with a Class I felony, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.
- (3) If a person whose operating privileges have been suspended or revoked in this state or another state is involved in an accident causing great bodily harm to another can be charged with a Class E Felony, a fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both.
- (4) ) If a person whose operating privileges have been suspended or revoked in this state or another state is involved in an accident causing the death of another can be charged with a Class D Felony, a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both.

## 2005 BILL

11-29  
500

Gen

- 1 AN ACT ...; relating to: causing property damage, injury, or death while operating  
 2 a vehicle after suspension or revocation of an operating privilege and providing  
 3 a penalty penalties

*Analysis by the Legislative Reference Bureau*

Under current law, a person who operates his or her motor vehicle while the person's operating privilege is suspended is required to forfeit not less than \$50 nor more than \$200. A person who operates his or her motor vehicle while the person's operating privilege is revoked may be required to forfeit not less than \$2500, except that a person with a prior conviction within the preceding 5 years or a person whose operating privilege was revoked for a violation related to operating while intoxicated shall be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both.

Under this bill, a person who operates a motor vehicle while his or her operating privilege is suspended or revoked and who causes damage to another person's property is guilty of a Class A misdemeanor, and shall be fined not more than \$10,000, imprisoned for not more than 9 months, or both. A person who operates a motor vehicle while his or her operating privilege is suspended or revoked and who causes injury to another person is guilty of a Class I felony, and shall be fined not more than \$10,000 and may be imprisoned for not more than 3 years and 6 months, or both.

A person who operates a motor vehicle while his or her operating privilege is suspended or revoked and who causes great bodily harm to another person is guilty

**BILL**

of a Class E felony and shall be fined not more than \$50,000, imprisoned for not more than 15 years, or both, ~~and~~ a person who operates a motor vehicle while his or her operating privilege is suspended or revoked and who causes the death of another person is guilty of a Class D felony and shall be fined not more than \$100,000, imprisoned for not more than 25 years, or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 343.44 (2) (e) of the statutes is created to read:

343.44 (2) (e) Any person who, in the course of a violation of sub. (1) or a local ordinance in conformity therewith, causes damage to the property of another is guilty of a Class A misdemeanor.

**SECTION 2.** 343.44 (2) (f) of the statutes is created to read:

343.44 (2) (f) Any person who, in the course of a violation of sub. (1) or a local ordinance in conformity therewith, causes injury to another person is guilty of a Class I felony.

**SECTION 3.** 343.44 (2) (g) of the statutes is created to read:

343.44 (2) (g) Any person who, in the course of a violation of sub. (1) or a local ordinance in conformity therewith, causes great bodily harm to another person shall be guilty of a Class E felony.

**SECTION 4.** 343.44 (2) (h) of the statutes is created to read:

# BILL

1            343.44 (2) (h) Any person who, in the course of a violation of sub. (1) or a local  
2 ordinance in conformity therewith, causes the death of another person is guilty of a  
3 class D felony.

**(END)**

## 2005 BILL

today (1-25)  
or  
tomorrowwithout  
a valid  
driver's license  
or

Redden

✓

1 AN ACT *to create* 343.44 (2) (e), 343.44 (2) (f), 343.44 (2) (g) and 343.44 (2) (h) of  
 2 the statutes; **relating to:** causing property damage, injury, or death while  
 3 operating a vehicle after suspension or revocation of an operating privilege and  
 4 providing penalties.

*Analysis by the Legislative Reference Bureau*

Under current law, a person who operates his or her motor vehicle while the person's operating privilege is suspended is required to forfeit not less than \$50 nor more than \$200. A person who operates his or her motor vehicle while the person's operating privilege is revoked may be required to forfeit not less than \$2,500, except that a person with a prior conviction within the preceding five years or a person whose operating privilege was revoked for a violation related to operating while intoxicated shall be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both.

Under this bill, a person who operates a motor vehicle while his or her operating privilege is suspended or revoked and who causes damage to another person's property is guilty of a Class A misdemeanor, and shall be fined not more than \$10,000, imprisoned for not more than nine months, or both. A person who operates a motor vehicle while his or her operating privilege is suspended or revoked and who causes injury to another person is guilty of a Class I felony, and shall be fined not more than \$10,000 and may be imprisoned for not more than three years and six months or both.

Insert  
analysis

may

without a  
valid  
driver's  
license  
or

or

without a valid driver's license or

may

may

**BILL**

*without a valid driver's license or*  
*may* A person who operates a motor vehicle while his or her operating privilege is ~~suspended or~~ revoked and who causes great bodily harm to another person is guilty of a Class E felony and ~~shall~~ be fined not more than \$50,000, imprisoned for not more than 15 years, *or* both. A person who operates a motor vehicle while his or her operating privilege is ~~suspended or~~ revoked and who causes the death of another person is guilty of a Class D felony and ~~shall~~ be fined not more than \$100,000, imprisoned for not more than 25 years, *or* both. *may*

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

*Insert*  
***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

*(b)*  
1 **SECTION 1.** 343.44 (2) (e) of the statutes is created to read:

2 343.44 (2) (e) Any person who, in the course of a violation of sub. (1) *or* a local  
3 ordinance in conformity therewith, causes damage to the property of another is  
4 guilty of a Class A misdemeanor.

5 **SECTION 2.** 343.44 (2) (f) of the statutes is created to read:

6 343.44 (2) (f) Any person who, in the course of a violation of sub. (1) *or* a local  
7 ordinance in conformity therewith, causes injury to another person is guilty of a  
8 Class I felony.

9 **SECTION 3.** 343.44 (2) (g) of the statutes is created to read:

10 343.44 (2) (g) Any person who, in the course of a violation of sub. (1) *or* a local  
11 ordinance in conformity therewith, causes great bodily harm to another person shall  
12 is guilty of a Class E felony.

13 **SECTION 4.** 343.44 (2) (h) of the statutes is created to read:



# BILL

343.44 (2) (h) Any person who, in the course of a violation of sub. (1) or a local ordinance in conformity therewith, causes the death of another person is guilty of a Class D felony. ✓

4 (END)

**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4052/lins  
PJH:jld:jf

**INSERT ANALYSIS:**

*NOFF* without a valid driver's license may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the ~~2nd~~ offense occurring within ~~3~~ years, and may be fined not more than \$500 and imprisoned for not more than ~~6~~ months for the ~~3rd~~ or subsequent offense occurring within ~~3~~ years.

**INSERT:**

**SECTION 1.** 343.05 (5) (b) 1. of the statutes is amended to read:

343.05 (5) (b) 1. Except as provided in subd. 2. or 3. and sub. (6), any person who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the 2nd offense occurring within 3 years, and may be fined not more than \$500 and imprisoned for not more than 6 months for the 3rd or subsequent offense occurring within 3 years. A violation of a local ordinance in conformity with this section or a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with this section shall count as a previous offense.

**History:** 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273, 288, 447; 1979 c. 345; 1981 c. 42, 138; 1981 c. 390 s. 252; 1983 a. 243, 534, 535, 538; 1985 a. 65; 1989 a. 87, 105, 359; 1991 a. 32, 39; 1995 a. 113, 269, 347; 1997 a. 237.

**SECTION 2.** 343.05 (5) (b) 3. of the statutes is created to read:

343.05 (5) (b) 3. a. Any person who, in the course of a violation of sub. (3) (a) or a local ordinance in conformity therewith, causes damage to the property of another is guilty of a Class A misdemeanor. ✓

b. Any person who, in the course of a violation of sub. (3) (a) or a local ordinance in conformity therewith, causes injury to another person is guilty of a Class I felony. ✓

c. Any person who, in the course of a violation of sub. (3) (a) or a local ordinance in conformity therewith, causes great bodily harm to another person shall is guilty of a Class E felony. ✓

d. Any person who, in the course of a violation of sub. (3) (a) or a local ordinance in conformity therewith, causes the death of another person is guilty of a Class D felony. ✓

end of  
insert

## Barman, Mike

---

**From:** LRB.Legal  
**Sent:** Monday, February 13, 2006 9:27 AM  
**To:** Beard, Paul  
**Cc:** Hurley, Peggy  
**Subject:** RE: Message for Peggy Hurley

Paul -

Peggy is out today. "/2" was sent to your office on January 26th. If a "/3" re-draft is in the works it looks like Peggy has not started it yet. Peggy is expected back tomorrow (Feb. 14th). If this is a rush please let us know ... if not, Peggy should be contacting you Tuesday. Thanks

**Mike Barman** (Senior Program Assistant)

State of Wisconsin - Legislative Reference Bureau

Legal Section - Front Office

1 East Main Street, Suite 200, Madison, WI 53703

(608) 266-3561 / [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)

---

**From:** Beard, Paul  
**Sent:** Monday, February 13, 2006 9:17 AM  
**To:** LRB.Legal  
**Subject:** Message for Peggy Hurley

Attorney Hurley,

What is the status of the revisions to LRB4052 I requested on behalf of Senator Lazich last week?

When should we expect receiving the redraft?

Paul Beard

## Hurley, Peggy

---

**From:** Beard, Paul  
**Sent:** Wednesday, February 08, 2006 2:15 PM  
**To:** Hurley, Peggy  
**Cc:** Lazich, Mary  
**Subject:** 4052/2

Senator Lazich and I have been discussing this legislation. She requests that 4052/2 be revised to express the following concepts:

The underlying driver license statuses which are to be covered by bill are:

**revoked**  
**suspended**  
**cancelled**

The bill as drafted already specifically includes **revoked** status. That is to remain.

Per conversation with Leg Council, the bil as drafted also already incorporates by reference: **cancelled and expired**. The Senator wants to specifically remove **expired** license status.

**Cancelled** is to be included in the bill, but the driver must have done it "knowingly"

**Suspended** status is to be **added** to bill, but the driver must have done it "knowingly"

The Penalties should be:

Property damage - A misdemeanor ✓  
Injury - I felony  
Great bodily harm - H felony  
Death - G felony

4353

When do you anticipate being able to send me this updated version?  
The Senator wants it as soon as possible.

Feel free to contact me with any questions.

Thank you,

Paul Beard

3  
keep

## 2005 BILL

by 2-15-06

suspension or

Belcen

✓

1 AN ACT *to amend* 343.05 (5) (b) 1.; and *to create* 343.05 (5) (b) 3., 343.44 (2) (e),  
2 343.44 (2) (f), 343.44 (2) (g) and 343.44 (2) (h) of the statutes; **relating to:**  
3 causing property damage, injury, or death while operating a vehicle without a  
4 valid driver's license or after revocation of an operating privilege and providing  
5 penalties.

---

***Analysis by the Legislative Reference Bureau***

Under current law, a person who operates his or her motor vehicle without a valid driver's license may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the second offense occurring within three years, and may be fined not more than \$500 and imprisoned for not more than six months for the third or subsequent offense occurring within three years. A person who operates his or her motor vehicle while the person's operating privilege is revoked may be required to forfeit not less than \$2,500, except that a person with a prior conviction within the preceding five years or a person whose operating privilege was revoked for a violation related to operating while intoxicated may be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both.

Under this bill, a person who operates a motor vehicle without a valid driver's license or while his or her operating privilege is revoked and who causes damage to another person's property is guilty of a Class A misdemeanor, and may be fined not more than \$10,000 or imprisoned for not more than nine months or both. A person

suspended  
suspended  
or

**BILL**

who operates a motor vehicle without a valid driver's license or while his or her operating privilege is revoked and who causes injury to another person is guilty of a Class I felony, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months or both.

A person who operates a motor vehicle without a valid driver's license or while his or her operating privilege is revoked and who causes great bodily harm to another person is guilty of a Class ~~II~~ <sup>II</sup> felony and may be fined not more than ~~\$50,000~~ <sup>\$100,000</sup> or imprisoned for not more than ~~15~~ <sup>25</sup> years or both. A person who operates a motor vehicle without a valid driver's license while his or her operating privilege is revoked and who causes the death of another person is guilty of a Class ~~II~~ <sup>I</sup> felony and may be fined not more than ~~\$100,000~~ <sup>\$250,000</sup> or imprisoned for not more than ~~25~~ <sup>ten</sup> years or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 343.05 (5) (b) 1. of the statutes is amended to read:

343.05 (5) (b) 1. Except as provided in subd. 2. or 3. and sub. (6), any person who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the 2nd offense occurring within 3 years, and may be fined not more than \$500 and imprisoned for not more than 6 months for the 3rd or subsequent offense occurring within 3 years. A violation of a local ordinance in conformity with this section or a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with this section shall count as a previous offense.

**SECTION 2.** 343.05 (5) (b) 3. of the statutes is created to read:

343.05 (5) (b) 3. a. Any person who, in the course of ~~a violation of sub. (3) (a)~~ <sup>or a local ordinance in conformity therewith</sup>, causes damage to the property of another is guilty of a Class A misdemeanor.

Insert A

## BILL

*Insert A*

b. Any person who, in the course of ~~a violation of sub. (3) (a) or a local ordinance~~  
~~in conformity therewith~~, causes injury to another person is guilty of a Class I felony.

*Insert A*

c. Any person who, in the course of ~~a violation of sub. (3) (a) or a local ordinance~~  
~~in conformity therewith~~, causes great bodily harm to another person ~~shall~~ is guilty  
of a Class ~~A~~ felony. *(H)*

d. Any person who, in the course of ~~a violation of sub. (3) (a) or a local ordinance~~  
~~in conformity therewith~~, causes the death of another person is guilty of a Class ~~D~~  
felony. *Insert A* *(G)*

*Insert B*

SECTION 3. 343.44 (2) (e) of the statutes is created to read:

343.44 (2) (e) Any person who, in the course of a violation of sub. (1) ~~(b)~~ or a local  
ordinance in conformity therewith, causes damage to the property of another is  
guilty of a Class A misdemeanor. *(am) or*

SECTION 4. 343.44 (2) (f) of the statutes is created to read:

343.44 (2) (f) Any person who, in the course of a violation of sub. (1) ~~(b)~~ or a local  
ordinance in conformity therewith, causes injury to another person is guilty of a  
Class I felony. *(am) or*

SECTION 5. 343.44 (2) (g) of the statutes is created to read:

343.44 (2) (g) Any person who, in the course of a violation of sub. (1) ~~(b)~~ or a local  
ordinance in conformity therewith, causes great bodily harm to another person shall  
is guilty of a Class ~~E~~ felony. *(am) or* *(H)*

SECTION 6. 343.44 (2) (h) of the statutes is created to read:

343.44 (2) (h) Any person who, in the course of a violation of sub. (1) ~~(b)~~ or a local  
ordinance in conformity therewith, causes the death of another person is guilty of a  
Class ~~D~~ felony. *(am) or* *(G)*

(END)

action: \*NS: inapp

*Initial applicability*  
*(1) This bill first applies to violations that occur on the effective date of this subsection*



**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4052/2ins  
PJH:jld&lmk:rs

**INSERT ANALYSIS:**

*NOA* A person who operates a motor vehicle while his or her operating privilege is suspended is required to forfeit not less than \$50 nor more than \$200. ✓

*Use 4x* *NOA* INSERT A: operating a motor vehicle which is not a commercial motor vehicle upon a highway in this state knowingly without a valid operator's license issued to the person by the department or knowingly with an operator's license that has been revoked, suspended, or canceled

**INSERT B:**

✓  
**SECTION 1.** 343.44 (1) (am) of the statutes is created to read:

343.44 (1) (am) *Knowingly operating while suspended.* No person whose operating privilege has been duly suspended under the laws of this state may knowingly operate a motor vehicle upon any highway in this state during the period of suspension or in violation of any restriction on an occupational license issued to the person during the period of suspension. ✓ In this paragraph, "restriction on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol, controlled substances, or ★ controlled substance analogs.

## Hurley, Peggy

---

**From:** LRB.Legal  
**Sent:** Friday, February 17, 2006 7:54 AM  
**To:** Hurley, Peggy  
**Subject:** FW: LRB4052/3

Sarah Basford  
Program Assistant  
State of Wisconsin  
Legislative Reference Bureau  
PH: (608) 266-3561/FAX: (608) 264-6948  
sarah.basford@legis.state.wi.us

-----Original Message-----

From: Paul Beard [mailto:pblaw1@yahoo.com]  
Sent: Thursday, February 16, 2006 3:39 PM  
To: LRB.Legal; Beard, Paul  
Subject: LRB4052/3

Dear attorney Hurley,

Because of the blizzard I'm working from home today.

Thank you for the draft of LRB4052/3. My reading of the language of the bill indicates that it expresses what the Senator seeks to do. Specifically, four classes of driver's license status can be grounds for criminal liability: knowing operation without a valid license issued by the DOT, knowing operation while suspended, knowing operation while revoked, and knowing operation while canceled.

The expression of suspended, revoked, and canceled, but not expired evidences the legislative intent to exclude expired. Even if "operation without a valid operator's license issued" were to be interpreted to include expired licenses, the knowingly element would protect drivers who were unaware of the expiration.

Could you please have the following edits made to the plain language "Analysis by the Legislative Reference Bureau" so that it matches the bill:

- add "canceled," just as you added suspended;
- all 4 license statuses apply to all 4 types of accidents (property damage, injury, great bodily harm, death);
- specify that the bill requires the "knowingly" mens rea for all 4 types of license status; -change "without a valid driver's license" to "without a valid driver's license issued by the department."

Typos: page 2 line 11, add "of" between "course" and "operating"  
page 2, line 15, remove "shall"  
page 2, line 16, add "of" between "course" and "operating"

I know you are very busy, and that my email sounds overly critical, but you have done an excellent job.

Thank you,

Paul Beard  
paul.beard@legis.state.wi.us  
State Senator Mary Lazich, District 28  
6-5400

---

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

y  
keep

## 2005 BILL

today  
if  
possible  
2-17-06

Regan ✓

- 1 **AN ACT to amend** 343.05 (5) (b) 1.; and **to create** 343.05 (5) (b) 3., 343.44 (1) (am),  
 2 343.44 (2) (e), 343.44 (2) (f), 343.44 (2) (g) and 343.44 (2) (h) of the statutes;  
 3 **relating to:** causing property damage, injury, or death while operating a  
 4 vehicle without a valid driver's license or after suspension or revocation of an  
 5 operating privilege and providing penalties.

**Analysis by the Legislative Reference Bureau**

Under current law, a person who operates his or her motor vehicle without a valid driver's license may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the second offense occurring within three years, and may be fined not more than \$500 and imprisoned for not more than six months for the third or subsequent offense occurring within three years. A person who operates his or her motor vehicle while the person's operating privilege is revoked may be required to forfeit not less than \$2,500, except that a person with a prior conviction within the preceding five years or a person whose operating privilege was revoked for a violation related to operating while intoxicated may be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both. A person who operates a motor vehicle while his or her operating privilege is suspended <sup>knowingly</sup> is required to forfeit not less than \$50 nor more than \$200.

Under this bill, a person who operates a motor vehicle without a valid driver's license or while his or her operating privilege is suspended or revoked and who

Issued by DOT

cancelled

Issued by the Department of Transportation (DOT)

**BILL**

causes damage to another person's property is guilty of a Class A misdemeanor, and may be fined not more than \$10,000 or imprisoned for not more than nine months or both. A person who operates a motor vehicle without a valid driver's license or while his or her operating privilege is suspended or revoked and who causes injury to another person is guilty of a Class I felony, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months or both.

A person who operates a motor vehicle without a valid driver's license or while his or her operating privilege is suspended or revoked and who causes great bodily harm to another person is guilty of a Class H felony and may be fined not more than \$10,000 or imprisoned for not more than 6 years or both. A person who operates a motor vehicle without a valid driver's license while his or her operating privilege is revoked and who causes the death of another person is guilty of a Class G felony and may be fined not more than \$25,000 or imprisoned for not more than ten years or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 343.05 (5) (b) 1. of the statutes is amended to read:

343.05 (5) (b) 1. Except as provided in subd. 2. or 3. and sub. (6), any person who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the 2nd offense occurring within 3 years, and may be fined not more than \$500 and imprisoned for not more than 6 months for the 3rd or subsequent offense occurring within 3 years. A violation of a local ordinance in conformity with this section or a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with this section shall count as a previous offense.

**SECTION 2.** 343.05 (5) (b) 3. of the statutes is created to read:

**BILL**

1           343.05 (5) (b) 3. a. Any person who, in the course of operating a motor vehicle  
2           which is not a commercial motor vehicle upon a highway in this state knowingly  
3           without a valid operator's license issued to the person by the department or  
4           knowingly with an operator's license that has been revoked, suspended, or canceled,  
5           causes damage to the property of another is guilty of a Class A misdemeanor.

6           b. Any person who, in the course of operating a motor vehicle which is not a  
7           commercial motor vehicle upon a highway in this state knowingly without a valid  
8           operator's license issued to the person by the department or knowingly with an  
9           operator's license that has been revoked, suspended, or canceled, causes injury to  
10          another person is guilty of a Class I felony. *of*

11          c. Any person who, in the course of operating a motor vehicle which is not a  
12          commercial motor vehicle upon a highway in this state knowingly without a valid  
13          operator's license issued to the person by the department or knowingly with an  
14          operator's license that has been revoked, suspended, or canceled, causes great bodily  
15          harm to another person ~~shall~~ is guilty of a Class H felony. *of*

16          d. Any person who, in the course of operating a motor vehicle which is not a  
17          commercial motor vehicle upon a highway in this state knowingly without a valid  
18          operator's license issued to the person by the department or knowingly with an  
19          operator's license that has been revoked, suspended, or canceled, causes the death  
20          of another person is guilty of a Class G felony. *of*

21          **SECTION 3.** 343.44 (1) (am) of the statutes is created to read:

22          343.44 (1) (am) *Knowingly operating while suspended.* No person whose  
23          operating privilege has been duly suspended under the laws of this state may  
24          knowingly operate a motor vehicle upon any highway in this state during the period  
25          of suspension or in violation of any restriction on an occupational license issued to

**BILL****SECTION 3**

1 the person during the period of suspension. In this paragraph, “restriction on an  
2 occupational license” means restrictions imposed under s. 343.10 (5) (a) as to hours  
3 of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of  
4 an ignition interlock device, sobriety or use of alcohol, controlled substances, or  
5 controlled substance analogs.

6 **SECTION 4.** 343.44 (2) (e) of the statutes is created to read:

7 343.44 (2) (e) Any person who, in the course of a violation of sub. (1) (am) or (b)  
8 or a local ordinance in conformity therewith, causes damage to the property of  
9 another is guilty of a Class A misdemeanor.

10 **SECTION 5.** 343.44 (2) (f) of the statutes is created to read:

11 343.44 (2) (f) Any person who, in the course of a violation of sub. (1) (am) or (b)  
12 or a local ordinance in conformity therewith, causes injury to another person is guilty  
13 of a Class I felony.

14 **SECTION 6.** 343.44 (2) (g) of the statutes is created to read:

15 343.44 (2) (g) Any person who, in the course of a violation of sub. (1) (am) or (b)  
16 or a local ordinance in conformity therewith, causes great bodily harm to another  
17 person shall is guilty of a Class H felony.

18 **SECTION 7.** 343.44 (2) (h) of the statutes is created to read:

19 343.44 (2) (h) Any person who, in the course of a violation of sub. (1) (am) or  
20 (b) or a local ordinance in conformity therewith, causes the death of another person  
21 is guilty of a Class G felony.

22 **SECTION 8. Initial applicability.**

23 (1) This act first applies to violations that occur on the effective date of this  
24 subsection.

25 (END)

**Basford, Sarah**

---

**From:** Sen.Lazich

**Sent:** Wednesday, February 22, 2006 7:27 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 05-4052/4 Topic: Operating after revocation

Please Jacket LRB 05-4052/4 for the SENATE.

02/22/2006